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 Lucent Technologies, Inc.

UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

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LUANN P. GOULD,	:	
	:	05 CV 11118 (PBS)
Plaintiff,	:	
	:	
– against –	:	<b>DEFENDANT’S OPPOSITION TO</b>
	:	<b>PLAINTIFF’S PROPOSED JURY</b>
LUCENT TECHNOLOGIES, INC.,	:	<b>VERDICT</b>
	:	
Defendant.	:	
	:	
-----	X	

Defendant Lucent Technologies, Inc. (“Lucent”), by its attorneys, Epstein Becker & Green, P.C., submits this Opposition to Plaintiff’s Proposed Jury Verdict. Lucent reserves the right to modify or supplement its Opposition should Plaintiff seek to amend its proposed jury verdict.

I. Plaintiff’s Proposed Jury Verdict No. 3:

A. Plaintiff’s Proposed Language:

3) With respect to the retaliation claim of Plaintiff Luann Gould, as submitted in Instruction No. 2, we find in favor of...

B. Defendant's Objection:

Defendant objects to Plaintiff's proposed language, which incorporates Plaintiff's legally incorrect Proposed Jury Instruction No. 2, for all of the reasons set forth in the corresponding sections of Defendant's Opposition to Plaintiff's Proposed Jury Instructions.

II. Plaintiff's Proposed Jury Verdict (Damages):

A. Plaintiff's Proposed Language:

Based upon #1, 2, or 3 above [of Plaintiff's Proposed Jury Verdict], we, the jury, find Plaintiff's damages, other than for emotional distress, to be...

B. Defendant's Objection:

Defendant objects to the incorporation of Plaintiff's legally incorrect Proposed Jury Verdict No. 3.

If Plaintiff prevails, the types of damages she would be entitled to recover are limited to those that are specifically set forth in 29 U.S.C. 2617. Plaintiff's proposed language is too vague because it does not list these types of damages.

Plaintiff's proposed language also fails to provide an offset for the amount she could have earned through reasonable mitigation efforts.

**CONCLUSION**

Based upon the foregoing, Lucent respectfully requests that this Court deny Plaintiff's Proposed Jury Instructions.

Dated: January 30, 2006

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Evan J. Spelfogel  
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